



# **Town of New Windsor**

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## **OFFICE OF THE PLANNING BOARD**

**WEDNESDAY — SEPTEMBER 14, 2005 - 7:30 PM**  
**TENTATIVE AGENDA**

### **CALL TO ORDER**

### **ROLL CALL**

**APPROVAL OF MINUTES DATED:    MAY 25, 2005**  
**JUNE 8, 2005**  
**JUNE 22, 2005**

### **ANNUAL MOBILE HOME PARK REVIEW:**

- a.        Walters Mobile Home Park – Rt. 207

### **ZBA REFERRAL:**

1. **CALLAHAN/CREAGAN LOT LINE CHANGE (05-28) FERNANDEZ DRIVE (HILDRETH)** Proposed residential Lot Line Change

### **REGULAR ITEMS:**

2. **SHADY DELL SUBDIVISION (05-13) MT. AIRY ROAD (CUOMO)**  
Proposed 4-lot residential subdivision
3. **MANGIARACINA SUBDIVISION (05-17) TOLEMAN ROAD (TACONIC)**  
Proposed 4-Lot residential subdivision.
4. **WINDSOR GATE PLAZA EXPANSION (CIANCIO) (05-29) RT. 94 (TACONIC)**  
Combining 3 lots and constructing an addition to existing commercial building.

### **PUBLIC HEARINGS:**

5. **THE GROVE (formerly West Hills) SITE PLAN (05-201) STEWART AIRPORT (MASER CONSULTING)** Proposed 311 condominium units

### **ADJOURNMENT**

**(NEXT MEETING – SEPTEMBER 28, 2005)**

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TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 14, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
NEIL SCHLESINGER  
JERRY ARGENIO  
THOMAS KARNAVEZOS  
ERIC MASON

ALTERNATES: JOSEPH MINUTA  
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

REGULAR MEETING

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MR. PETRO: I'd like to call the September 14, 2005 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: This meeting is being televised as you can see for the web site, Town of New Windsor web site.

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APPROVAL\_OF\_MINUTES\_DATED: \_\_MAY\_25,\_2005,\_JUNE\_8,\_2005\_  
\_\_\_\_\_  
&\_JUNE\_27,\_2005  
\_\_\_\_\_

MR. PETRO: Approval of the minutes dated May 25,  
2005, June 8, 2005 and June 27, 2005.

MR. ARGENIO: I'll make a motion we approve them as  
written.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the  
New Windsor Planning Board approve those minutes for  
those dates as written. Is there any further  
discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW

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WALTERS\_MOBILE\_HOME\_PARK

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MR. PETRO: Annual mobile home park review, Walters Mobile Home Park, Route 207. Someone here to represent this? We'll wait until the end, I'll try one more time. One time I did that and a lady came up and we went through the whole thing, remember that, guys, and she says, I said do you have a check for \$100? Why would I give you \$100? I'm just sitting out there, I came up because nobody else did.

ZBA\_REFERRAL:

CALLAHAN/CREAGAN\_LOT\_LINE\_CHANGE\_(05-28)

MR. PETRO: Next ZBA referral Callahan/Creagan lot line change, proposed residential lot line change represented by Hildreth.

Mr. William Hildreth appeared before the board for this proposal.

MR. PETRO: Application proposes conveyance of approximately .29 acres from lot 17.22 to lot 19, R-4 zone district of the Town, required bulk information shown on the plan is correct for the zone and use based on the lot lines proposed, non-conformance will be created on lot 17.22, as such, I recommend the planning board deem this application incomplete and forward this application to the ZBA. Deemed incomplete?

MR. EDSALL: Yes.

MR. PETRO: Appears that a variance for lot area and rear setback are required. Project is within 400 foot of Union Avenue and county highway, this has to go to Orange County Department of Planning, forward a copy to the ZBA. Why don't you show us quickly and we'll look at it?

MR. HILDRETH: That's pretty much it in a nutshell. What I want to point out to the board this is a case I'll make to the ZBA just so you understand the original lot from which this parcel is coming out is the big box on the top parcel to which it's going to be attached, smaller box southeast corner and that result the net result is the size of these lots after the lot line change are still better, not by much but better than most of the ones in the surrounding area and all the ones that they touch. So what the two neighbors are trying to do is not out of line with the

neighborhood. The area being transferred is unused back yard, the people that have lived here haven't used the edge of the lawn which I've shown because that was how they decided what they wanted to transfer, so it's basically vacant land unused by this piece. Callahan is going to pick it up, going to become their back yard instead of the Creagan's back yard, the variances we need are mostly because of the change in zoning. We're creating two non-conforming variance requirements, one is the rear yard and the Creagan lot and the other one was the lot area we're making it smaller so we're creating those two, the rest of the variances we need are either pre-existing or we're actually making them better.

MR. PETRO: Does anybody have a problem conceptually? We'll send them to the ZBA for the necessary variance. Any comments?

MR. ARGENIO: I'll make a motion that we deem this application incomplete.

MR. SCHLESINGER: I'll second it. And do you want to refer it to the ZBA?

MR. PETRO: It's going.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board deem this application incomplete, therefore, you will be going to the New Windsor Zoning Board for the necessary variances. If you're successful and receive those variances, place them on the plan, you can then appear before this board for further review.

MR. HILDRETH: When does it get referred to the Orange County Planning?

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MR. PETRO: Sometime in the future.

MR. HILDRETH: Not at this juncture, okay.

MR. EDSALL: Tomorrow, we've already got the form done.

MR. HILDRETH: Great, okay, that was it. Thank you.  
I'll be back I hope.

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REGULAR\_ITEMS:

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SHADY\_DELL\_SUBDIVISION\_(05-13)  
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MR. PETRO: Shadl Dell subdivision is canceled by the applicant. Let the record show that the second alternate, Mr. Gallagher, has showed up.



MANGIARACINA\_SUBDIVISION\_(05-17)

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MR. PETRO: Number 3 under regular items Mangiaracina subdivision on Toleman Road. Proposed four lot residential subdivision.

MR. MANGIARACINA: The engineer isn't here yet.

MR. PETRO: I'll go to Windsor Gate and I'll come back to you. Well, why don't you tell us what you want to do. Proposed 4 lot residential subdivision. This application proposes subdivision of 32 acre parcel into four single family residential lots. Plan was reviewed on a concept basis only, district required, bulk information in the plan is correct for the zone and use provided, bulk information appears reasonable and however you have three bullets that you have to go over, lot width for lot number 4, frontage on 4 and width on one.

MR. MANGIARACINA: Basically, my house is over here and my one son's house is on the extreme right-hand side of the property and I have a second son, my second son is living in this small home right now on the property and that's all the biggest parcel, I want to divide that up and he wants to build a regular home on one of the parcels so while I'm subdividing it I was going to subdivide.

MR. PETRO: Outline your entire lot with your finger.

MR. MANGIARACINA: This.

MR. PETRO: Where is the subdivision line?

MR. MANGIARACINA: These four includes one of the existing ones.

MR. PETRO: First one's existing with the house obviously?

MR. MANGIARACINA: That's correct.

MR. EDSALL: Mark, let's go over some of the facts, I guess the bulk table is correct so the lots are conforming.

MR. EDSALL: The lots are conforming except for I'm not sure on lot 4 because there seems to be some errors in the bulk table so the surveyor would have to confirm that lot 4 meets the zoning.

MR. PETRO: What would the error be because of the wetlands you mean?

MR. EDSALL: Just the way they are, it's showing a lot width of 204 foot, there's no possible way that there's 204 foot lot width in the front.

MR. ARGENIO: I see 164.

MR. EDSALL: You've got 16.70.

MR. ARGENIO: Okay, I see that, yes.

MR. EDSALL: So I want to make sure that in fact that 1670 is correctly, part of that lot and then--

MR. ARGENIO: Looks like it's part of the driveway, Mr. Chairman, on the north side, see it there?

MR. PETRO: I see, it's that little tiny spot there.

MR. ARGENIO: Yes.

MR. EDSALL: So it would seem to meet zoning but the surveyor has to do some additional corrections on the bulk table then we'll know for sure.

MR. PETRO: What's the barn on that lot number 3, are

you going to remove that?

MR. MANGIARACINA: It's a very small wooden barn, yes.

MR. PETRO: Going to be removed?

MR. MANGIARACINA: Yes.

MR. PETRO: You have to put a note on the plan to be removed, probably write these things down there.

MR. MANGIARACINA: There he is.

Mr. Charlie Brown appeared before the board for this proposal.

MR. ARGENIO: Thanks for coming, Charlie.

MR. MANGIARACINA: I just explained briefly what I intend to do with the lots.

MR. ARGENIO: We're discussing the barn on lot 3.

MR. BABCOCK: There's also a barn on lot 4.

MR. EDSALL: Four is the barn that has the compliance problem.

MR. ARGENIO: And the barn on lot 3 is not a problem, Mark?

MR. EDSALL: No, one's the building height is greater than what's permitted for an accessory structure then it has to be considered a principal structure and has to meet the same setbacks as a new residence would. If you look at drawing 2 of this set, you can see that the barn on lot 3 is within the billable envelope, but if you look at lot 4, it's too close to the side line so therein lies the problem.

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MR. PETRO: Which barn is being taken down?

MR. MANGIARACINA: Small wooden one.

MR. PETRO: That's the one that goes through the property line. Just add a note to the plan to be removed.

MR. BROWN: Will do.

MR. PETRO: All the buildable envelopes are outside the wetland buffer zone?

MR. EDSALL: Well, the envelope is showing what's permitted by zoning but obviously, they can't build within the wetlands area.

MR. BROWN: I can move that back to coordinate it with the buffer.

MR. PETRO: Entertain a motion to be lead agency.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Mangiaracina minor subdivision on Toleman Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: The percolation data have inconsistencies, want to go over that, Mark?

MR. BROWN: They were witnessed.

MR. PETRO: How can they not be correct, what's the problem?

MR. EDSALL: They were witnessed but on the plan lot 1 in the field is shown as lot 2 and similarly lot 2 is on the plan as lot 3 and lot 3 in the field is now shown as lot 4 so all the number are switched around.

MR. ARGENIO: So the inconsistencies lie in the numbering of the lots?

MR. EDSALL: Numbering is wrong, lot 4 the field notes halfway through had an 8 minute perc but then if you look at the entire field notes, it was actually a greater perc so they don't reflect the final number for lot 4.

MR. PETRO: Okay.

MR. BROWN: We'll adjust those. The design rate was 30 minutes for that particular one so there's no affect on the field itself.

MR. PETRO: Do you have a copy of Mark's comments? Take them with you. This project is within 500 feet of the Town line of Blooming Grove so you're going to have to go to Orange County Planning Department, New York, under New York State General Municipal Law. I have no further comments at this time. Any further board members? Mark, do you have anything else for tonight with this? I don't see anything else.

MR. EDSALL: No, I don't.

MR. PETRO: So get it off to Orange County Planning.

Do you have any other questions for the board?

MR. BROWN: Yes, I do, and also for Mark.

MR. PETRO: Time's up.

MR. BROWN: Lot 1, the one that we need a permit for the driveway through the wetland buffer both the entire lot and the calculated usable area is well over five acres, I was wondering if it would be possible to get this filed leaving that lot unbuildable until the DEC permit is secured.

MR. EDSALL: No. The reason that doesn't work is the Town of New Windsor zoning has a variety of uses for which this board can approve the creation of a lot, one of which is not a lot that's intended for nothing, so if you want to deed restrict it as a farm lot that's one way you can do it but otherwise you have to wait.

MR. ARGENIO: Loses the lot at that point.

MR. EDSALL: No, he has to wait until he gets the permit then he comes back.

MR. BROWN: All right, I'll talk it over with my client.

MR. PETRO: Create all the lots that nobody wants, they'd be all over the Town, everybody would abandon them, Town would receive no taxes on the empty lots.

MR. BROWN: That's a septic issue but this one is septic's been designed and just a matter of getting a permit from the DEC which could be time consuming.

MR. PETRO: That's it.

MR. BROWN: Thank you.

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MR. PETRO: You're doing the next one too?

MR. BROWN: Yes.

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WINDSOR\_GATE\_PLAZA\_EXPANSION\_(05-29)

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Mr. Charlie Brown appeared before the board for this proposal.

MR. PETRO: Windsor Gate Plaza expansion combining three lots and constructing an addition to an existing commercial building. Application proposes 9,890 square foot two story addition to the existing 7,544 square foot two story commercial building, as part of the application, the three lots are being combined. Plans were reviewed on a concept basis only. NC zone, prior bulk information shown on the plan is incorrect but incomplete. Why incomplete, Mark? Please add street frontage and I guess developmental coverage on the table.

MR. EDSALL: Yeah, those have to be added onto the table.

MR. PETRO: Take one of Mark's comments sheets and you'll have the instructions.

MR. BROWN: Okay, as you stated, it's three lots, currently there's two existing residential buildings on the two lots that my client just purchased. Those will be coming down, an addition will be built next to the existing building with a clear walkway underneath because of the parking geometry that the building will be attached on the second floor, as far as the building will look, we're going to adjust the fascia of the front building by adding stone and whatnot.

MR. PETRO: Are you tearing down the existing buildings?

MR. BROWN: Yes.

MR. PETRO: Acquiring lands?



MR. BROWN: Lands have already been purchased.

MR. PETRO: So you have to put that on the plan to be removed, just put down to be combined.

MR. BROWN: They're on the front page. Sheet 1 we have to be removed.

MR. PETRO: Yes, oh, you have that there, okay, so they're going out and then we're going to go to page 2 that's what you're showing us here?

MR. BROWN: Right.

MR. BROWN: In addition would be a total of 9,890 square feet mixed retail office retail on the first floor, office on the second, figured the parking accordingly, came up with 116 spaces required for the entire project, so we have provided 118, six of those are handicapped, the existing state highway entrance will be utilized, we have done preliminary grading and laid out some drainage schematics, those are on sheet 3. And that's it at this time.

MR. PETRO: How does he access the dumpster enclosure in the back there?

MR. BROWN: Come around that way, they have a front loader and the gates would be towards this aisle here.

MR. PETRO: And they can negotiate that right angle turn? It's almost a right angle where the dumpster is.

MR. BROWN: Yes, well, they'd back up.

MR. PETRO: How wide?

MR. BROWN: Here?

MR. PETRO: Both ways.

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MR. BROWN: They come around this way, they do what they do, back up and come down and come around here.

MR. PETRO: But they can negotiate the right angle?

MR. BROWN: I will verify, I will get the turning radius for the trucks.

MR. PETRO: We're going to need that, that's awful tight.

MR. BROWN: Sure.

MR. PETRO: Non-planning board issue, you realize the building is going to have to be sprinklered and probably an elevator?

MR. BROWN: There is an elevator in the existing building which is why we're connecting the two second floors so it will serve both.

MR. PETRO: How wide is the sidewalk in front, is it five foot or better?

MR. BROWN: It's more than five foot that's existing one, it will be more than five foot, I left eight foot clear, six foot through here and eight in the rear.

MR. PETRO: Mark it on the plan has to be greater than five feet.

MR. BROWN: Sure.

MR. PETRO: Mark, did you check all the parking spots for if they would actually work not back out into another spot?

MR. EDSALL: Obviously, it's the first time in so I'm looking to see if the board is comfortable with the

layout. From a dimensions standpoint, they have shown us that they're all 25 foot backout so based on the numbers on the plan it appears acceptable.

MR. BROWN: We're looking for some input from the board then we'd proceed with the--

MR. PETRO: I have to tell you one thing, you have a lot of curbing on that site plan and forget about that cost of \$20 a foot, snow plowing will be an absolute nightmare. Where are you going to put the snow? But that curbing is huge.

MR. ARGENIO: So the whole thing is curbed inside and out?

MR. PETRO: Plus all the loops.

MR. BROWN: Yes, certainly be willing to reduce the curb and go with--

MR. PETRO: I'm not saying reduce, we're thinking out loud.

MR. SCHLESINGER: Where is the New York State Thruway related to this?

MR. PETRO: Just this side?

MR. BROWN: Right over here about 600 feet.

MR. ARGENIO: Curb is shown going right over top of the existing well.

MR. PETRO: Do you know where Danny Naggie's house is, looks like a zoo, it's just down the street. You're going to utilize the existing curb?

MR. BROWN: Most of it we've got some spots.

MR. PETRO: New York State DOT then is what you're saying if you're going to touch it then you're going to have to go to New York State DOT if you use is existing curb, you're going to sign off on it.

MR. BROWN: Understood.

MR. PETRO: What's that Town sewer pump station? I guess that's existing and it's in the lot already, correct?

MR. BROWN: That's existing, we have an easement and matter of fact, I just upgraded it, put some new ballisters in there, made it look better from above ground all you see is the generator and the generator panel. Town does have an easement though, it's not picked up in any of the deeds but we're told they do have an easement for that so we're staying clear of them.

MR. PETRO: Mark, no trouble with coverage on this lot?

MR. EDSALL: That's one of the numbers that's missing so I need to, I need that on the plan.

MR. BROWN: Existing well is tested.

MR. PETRO: Not the well, the point that Neil brings up is the law that went into effect the beginning of the year where you cannot, you have to treat the water that's being run off the lot from your gutters and cannot go into existing drainages, it has to be treated first.

MR. BROWN: Right.

MR. PETRO: Are you disturbing less than one acre, is that what it's going to be, Mark?

MR. EDSALL: Looks like there's more than an acre being

disturbed, so I asked that they verify that and then prepare a storm water pollution prevention plan so that's the--

MR. PETRO: Realize that's very extensive?

MR. BROWN: Of course, we do them all the time, actually, we show the drainage schematic, all the drainage will be piped towards the back, this is the old railroad right-of-way which is quite higher, there's an existing kind of swale around here and then picks up a stream which goes through the culvert.

MR. PETRO: So you're going to treat it underneath the parking lot?

MR. BROWN: Treated along here, we've got an area over here back in here and where the existing dumpster is we're prepared to do that if we're over the acre on new development.

MR. PETRO: This board is not making you do it.

MR. BROWN: I understand it's SPEDES regulations, I understand.

MR. PETRO: I'm against it a hundred percent, I think it's crazy.

MR. BROWN: I can go either way on that one, I mean.

MR. PETRO: No, I'd like to see you put it underneath the parking lot and tell me if it's still working in three years, I'll buy you a cigar, then tell me how you're going to fix it under the parking lot.

MR. BROWN: With the infiltrators and manholes.

MR. PETRO: Baloney, it's all baloney. So that you're working on.

MR. ARGENIO: We need more detail on the drainage plan obviously.

MR. BROWN: Again, we wanted to get input from the board.

MR. PETRO: Lighting plan, do you have anything on lighting?

MR. BROWN: Not yet.

MR. ARGENIO: Landscaping as well.

MR. PETRO: Landscaping, lighting, you're going to have to finalize that curb cut, I know I keep going to that but you're going to be held up if you don't do it.

MR. BROWN: With DOT do you mean?

MR. PETRO: Yes.

MR. BROWN: That's existing.

MR. PETRO: That's why I'm asking, why I'm asking you are you going to use the existing curb cut? You're using the existing curb cut off the state right-of-way?

MR. BROWN: Yes.

MR. ARGENIO: With no modifications?

MR. BROWN: Correct.

MR. PETRO: Mark, what else do you have?

MR. EDSALL: Minor correction items, again, the main idea here tonight being that at the first appearance is that the board give comment on the general layout, if the board's comfortable with the general layout, I will

work with the applicant and we'll go through the list and I'll help as I can to get the plan complete.

MR. ARGENIO: Mark, is fire going to be all right with those 25 foot aisles?

MR. BABCOCK: No, that's up to them though.

MR. EDSALL: It's got to be referred over to them, if it comes back with a need for 30, they'll have to adjust the layout.

MR. PETRO: You have Mark's comments, right?

MR. BROWN: Yes.

MR. PETRO: I'm not going to go over the small bullets because you can read them yourself. Entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take lead agency for the Windsor Gate Plaza expansion site plan amendment on Route 94. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: You realize again it's going to have to go to Orange County Planning Department so we can get that

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going.

MR. EDSALL: We'll take care of that referral.

MR. PETRO: About a year ago nothing had to go, now everything has to go. The parking calculation rounds ups, Mark, what do you mean by that rounds up?

MR. EDSALL: If it comes up to 166.5, code says it's 167.

MR. BROWN: Rounding up.

MR. EDSALL: But they have enough.

MR. BROWN: I understand.

MR. EDSALL: They're fine, just need to put the right number on the plan.

MR. PETRO: So technical.

MR. ARGENIO: Yes.

MR. EDSALL: We try to get it right.

MR. BROWN: Thank you.



PUBLIC HEARINGS:

THE GROVE SITE PLAN (05-201)

MR. PETRO: Next public hearing for the Grove formerly West Hills site plan Stewart Airport, proposed 311 condominium units and special use permit. Someone here to represent this?

Mr. Andrew B. Fetherston, P.E. and Mr. Joseph A. Dopico, P.E. appeared before the board for this proposal.

MR. PETRO: For those of you who are not used to our public hearings here at the planning board what I do is we review it first as a board, then sometime during the procedure, I will open it up to the public for comment. At this time, the board will review it first. Application proposes development of the subdivided parcel of approximately 311 residential units. Application was previously reviewed at 11 May, 2005 planning board meeting. The application is before the board for a public hearing. The property is located in a P1 zoning district of the Town, the proposed use is a special use permit use B-4 of the zoning code. Primary purpose of this meeting is for input from the public.

MR. FETHERSTON: Do you prefer that I take you through the entire project?

MR. PETRO: Well, I don't want to spend, give us a quick overlay what you have, what you're doing, if there's any change in the plan since the last time we've seen it, bring to that our attention. Tell us what you're doing one more time in a brief manner then I want to open it to the public.

MR. MANGIARACINA: We're subdividing out a 50 acre parcel in the minor subdivision that previously was granted conditional final approval by your board.

We're in the AP1 zoning district, we're proposing 311 townhomes. The amenities package associated with the townhomes includes clubhouse, swimming pool, tennis courts. We're exceeding the required number of parking spaces. We're proposing to go to the Town Board to seek abandonment of this dead-end section of existing World Trade Way. We're proposing these four roadways, all new, they're going to be privately maintained. The entire development is one parcel private sewer, water, drainage. We did, what we did change on the plan was we did do all of the engineering for the water, sewer and the drainage. The drainage was reviewed by your consulting engineer. The water is, we're working on preparing the plans and the reports and application to Orange County Health Department. We intend to be probably submitting that probably next week. We did add a couple of garbage enclosure as requested by your board. They did not make it to the plans that were submitted to your office. We have them on this display where they, where we're proposing them, we have those three enclosures in green also as requested and was an easement out to North Jackson Avenue that's--

MR. PETRO: What are the other orange blocks on the other page, what are they, the other are orange blocks?

MR. FETHERSTON: What I'm trying to do is separate out the different types of units, there are stacked units, the garage under type units and help me out, Joe, the walk-out rear units.

MR. PETRO: Show me where the easement out to North Jackson where is it on that plan?

MR. FETHERSTON: It would be about right here, physically by grade it's a difficult spot anywhere along this road, so we selected a spot that did not have an improvement of either a townhome or drainage feature, gradewise it's difficult to proceed getting down by especially by a vehicle at that location.

MR. PETRO: Show me one more time there, you have it on the other plan, I can see it, I'm not that old yet, I can see it.

MR. FETHERSTON: Right here so as far as if it was to be sight distance?

MR. PETRO: That's why I'm concerned right in the center of the arc.

MR. FETHERSTON: Well, there's no better place and these locations, storm water is occupying the ends.

MR. DOPICO: You would be able to see up to the intersection.

MR. ARGENIO: I was going to say it's on the outside of the arc.

MR. DOPICO: It's on the outside.

MR. FETHERSTON: Sight distance would be pretty good.

MR. DOPICO: You can see all the way.

MR. PETRO: Instead of saying it might be, see if it's 450 feet, plot it exact and see if it's 450 feet.

MR. FETHERSTON: It's about 400 feet to the intersection measuring it off my scale.

MR. PETRO: Again, the reason to put that there in the first place is in case there's access available to North Jackson you can use it, we're not just plotting there just to plot it, obviously.

MR. FETHERSTON: Right, we can check it.

MR. PETRO: We need to actually plot it exact then find

out if the highway superintendent is going to look at it and say it's 450 feet.

MR. FETHERSTON: Okay. If I may lastly we're showing the location of our proposed construction trailer, we, I will tell the board that we're proposing to use this building pad for the sales trailer and signage is going to be proposed in the future at this location off of Hudson Valley Avenue and most likely at this location as well off of World Trade Way.

MR. PETRO: The addition to the parking I had asked for at the last meeting, tell me once again what's the required parking, what are you providing?

MR. FETHERSTON: The required parking for the development is 778 spaces or 2.5 spaces per unit, the proposed parking shown on the plan is 963 spaces.

MR. PETRO: But you're using the allowable one unit one car in each unit in the garage which I find is pretty, I just think it's ridiculous that you would count that as a spot but I know the law tells us that you can do that.

MR. FETHERSTON: By the Town Code, right.

MR. PETRO: But it looks like you have about close to 300 anyway, 200 and something extra.

MR. DOPICO: We do have parking that's scattered about in each of the unit areas, off-street parking.

MR. PETRO: The garage parking, I don't understand if I had people coming over for a birthday party, I don't open up my garage and say park there.

MR. FETHERSTON: But your car is out of the way.

MR. PETRO: The parking is never adequate for the

visitor parking not usually for the people living there.

MR. FETHERSTON: There's 311 units, there's more than three spaces per unit.

MR. PETRO: All right, is there anywhere else on the plan that you can add additional parking, overflow parking?

MR. FETHERSTON: Sure.

MR. PETRO: There is?

MR. FETHERSTON: Absolutely.

MR. PETRO: Show me where.

MR. FETHERSTON: A space could be added here, spaces could be added here, here, here, it's a matter of the slopes on the site have been overcome by the grading which is rather mild but the retaining walls are holding up a lot of the slope but there's certainly more opportunities to add parking spaces absolutely.

MR. DOPICO: It's not unlimited but we could add some additional parking spaces.

MR. PETRO: The additional dumpster enclosures, do you have it within the amount of feet that we asked last time? I know you showed it on the other plan.

MR. FETHERSTON: Right now they're just about every two units is the distance, now there's now one here, there's one here, there's now one I believe right here and here.

MR. DOPICO: This was the area you were most concerned with.

MR. PETRO: Somebody getting in the car and bringing the garbage up.

MR. FETHERSTON: Right.

MR. PETRO: All right, last question before we go to the public is the clubhouse, show me where the clubhouse is and what would your schedule be to build and complete the clubhouse in the scheme of things?

MR. FETHERSTON: Well, we did submit a construction scheduling or sequencing phasing plan more for the construction where we're proposing to construct the basins and then work into Road A where the cuts will go, the earth work here the excavations will provide the fill material required in this area so that just about balances, Road A is going to go in first, that's this, I didn't know which.

MR. DONNATELLI: Probably be about 50% of the homes sold.

MR. PETRO: I need your name.

MR. DONNATELLI: I'm Dean Donnatelli with the applicant.

MR. PETRO: The reason I'm bringing this up is very simple, we're doing it, there's a condo project in front of Ephiphany College, they are very close to complete, there's a 103 units and somehow they can't seem to complete the clubhouse. Since they were here at the last meeting they have completed an entire commercial building, still cannot put the elevator in the clubhouse, I find that very--so we're going to give you a schedule on any of these amenities that need to be completed. All right?

MR. FETHERSTON: Yes.

MR. PETRO: If they can't be completed, in other words, you're going to have 200 people living there and you have no clubhouse.

MR. FETHERSTON: Right.

MR. PETRO: What's going on with the clubhouse?

MR. BABCOCK: The elevator has been completed, we got the certificate, right now the outstanding unit is a final electrical inspection and railings on the exterior stairs.

MR. ARGENIO: Railings.

MR. PETRO: That's a different subject, but being I was thinking about it, okay, any of the members have anything else at this time?

MR. SCHLESINGER: I have just a question in light that this is a public hearing all of your environmental studies have been completed?

MR. FETHERSTON: The project prior to our getting involved in the project, the project went through SEQRA and a SEQRA has been closed on this project. Our tasks as are your consultants' tasks are the site plan, subdivision, Orange County Health Department, all the requirements to gain final approval from your board.

MR. SCHLESINGER: I'm talking about all of your traffic studies, all of your environmental studies have all been completed?

MR. FETHERSTON: Yes.

MR. SCHLESINGER: Who did that work?

MR. FETHERSTON: That was done by the prior engineer for the New York International Plaza project.

MR. SCHLESINGER: Okay.

MR. PETRO: Is that it Neil?

MR. SCHLESINGER: And those records are available to the public?

MR. PETRO: Sure.

MR. PETRO: Okay, on the 26th day of August, 2005 envelopes containing the public hearing notice were mailed. If someone wants to speak for or against or just make comment on this application, be recognized by the chair, come forward, state your name and address and your concerns. Now listen also because I know there's a lot of people here, I run the public hearings a little bit differently than other places, if you need a little extra time to talk, that's fine, we're not under a three minute rule, you can talk. But I don't want to go home at 2:30 so and there's other people want to talk, so just try to be within reason, that's all.

MRS. QUILL: My name is Patricia Quill. My address is 23 Clarkview Road, New Windsor. My question is I had an opportunity to look at the environmental, the final environmental statement that was approved by the board and in it it talks about corporate residents and I want to know how it got from corporate residents to 311 condos? My other concern is if you have 311 condos you're talking about parking spaces, you have a potential for 600 cars coming out of that area every day, how will Route 207 handle this traffic? So if you could answer my first question then the second part.

MR. PETRO: Where is your traffic person? State your name.

MRS. QUILL: Would you answer my first part because



that's the question, how can corporate housing get to 311?

MR. PETRO: I would say corporate housing and condos are the same thing, so that's my answer. Second question?

MRS. QUILL: That's not satisfactory.

MR. PETRO: That's my answer.

MR. RACHED: Maurice Rached, traffic engineer. I had a chance to look at the prior traffic study that was completed, prepared by BL Companies, they're engineers, planners, surveyors and landscape architects in Poughkeepsie, New York. I believe before this application was submitted the applicant has asked me to look at the prior traffic study and do a due diligence report, make sure the study was done on solid principle and that the issues have been addressed. In short, I know, Mr. Chairman, you're short on time tonight so I'll be very brief, in short, the study addressed the whole development, the whole plaza and this study recommended some infrastructure improvement over years as you know the full build here is 2015. Now this development in itself is very minor when you compare it to the overall development, it is true that they are proposing 310 units and 310 units may have an ownership of 600 cars, even though national studies according to the Bureau of Census for these kind of units the national average is 1.1 vehicle per unit, but I won't disagree with you, there could be potential of having 600 cars. The issue here is the behavior of the 600 cars, they in the morning, for example, they start leaving 6 a.m. and they cease leaving at 10. Also there's the situation of having kids or not having kids, these type of homes generally you'll find that you don't have the percentage of kids that would be the same as individual homes. Based on that there's--

MRS. QUILL: Where did you get that information from?

MR. RACHED: National studies by the Institute of Transportation Engineers and also my own experience in the field. Based on this and based on the IDE studies, this housing development is anticipated to generate about 144 trips in the p.m. peak and about 130 trips in the a.m. peak, when it is true with the traffic on the roadways it really becomes insignificant in the grand scheme of things.

MRS. QUILL: A hundred and forty-four cars coming out of that in the morning is insignificant?

MR. RACHED: A hundred and forty-four in and out, 25 going in and the rest going out roughly let's say 115 cars going out in the morning over a period of an hour so basically you have about two cars a minute so picture yourself waiting a minute and you get two cars out.

MRS. QUILL: Additional traffic lights going to be put up on 207?

MR. RACHED: Eventually there will be additional lights.

MRS. QUILL: And the county will do that?

MR. RACHED: I'm not sure who will do them but as part of the agreement which was arrived as part of the SEQRA process and there are a lot of improvements that must be done as part of the process.

MR. SCHLESINGER: I have a question, I think Mrs. Quill's question originally was in my opinion was a matter of semantics in that the answer that she received was that it wouldn't make any difference whether it was called condo or corporate housing. My question to you is if it was called condos or whether

it was called corporate housing, would it have any change in the evaluation of your study?

MR. RACHED: It wouldn't, it's the physical, it would not, no.

MRS. QUILL: So you would expect that the corporate housing would be filled by people that worked on the two million feet that are going to be developed, the economic developing consisting of offices, those kinds of things, those are the people you expect to live in these condos?

MR. SCHLESINGER: I'm not sure whether you're asking me the question, I in turn tried to define what you were asking and I asked Maurice whether it would make any difference in any way would it effect his study, it was just a matter of semantics and I don't think whether we call it condos, I'm asking our professional, I'm not a professional, he did the study, I didn't do the study, I'm asking him and I'm trying to help elaborate your question, I'm asking him whether it would have had any impact on his study.

MR. ARGENIO: On the traffic.

MR. RACHED: In short it is the size of the house and the layout, whether you call it corporate or anything else, it really doesn't make a difference.

MRS. QUILL: Thank you. All right, thank you.

MRS. COZZA: Brenda Cozza, 36 Evergreen Drive, Monroe, New York. I'm president of the Salisbury Mills Community Development Association and our association is twofold, we're worried about not only traffic impact on the impact of the infrastructure of the neighboring towns because there's a lack of regional planning in this area and being someone who has children in the Washingtonville School District, my question is how

many bedrooms are these units going to have? Because I read in the Times Herald Record that the projected amount of children is 50, I find that highly unlikely that 311 corporate families would only generate 50 children.

MR. FETHERSTON: First question was in regard to planning on a more regional level, I was in contact with David Church this morning about County Planning, this has to go to County Planning at the end of the public hearing by your board so County Planning will be reviewing this plan.

MR. ARGENIO: That's by law.

MR. FETHERSTON: Yes, that is correct.

MRS. COZZA: But home rules still prevails and what I am talking about here is the potential negative impact on an already stressed infrastructure, namely the Washingtonville Central School District, which is already busting at the seams. What is the projected residency of this community?

MR. FETHERSTON: Dean?

MR. DOPICO: I believe we did some numbers at the last meeting.

MRS. COZZA: I understand that but this is the public hearing so I want an answer.

MR. FETHERSTON: Can you speak on that?

MR. DONNATELLI: Dean Donnatelli with Cavnanian (phonetic) and we anticipate that each home would develop, generate .13 children.

MRS. COZZA: I've never seen .13 of a child. Are we trying to say one child per home?

MR. DONNATELLI: It's a duly noted--

MRS. COZZA: I've never seen a tenth or a 3/100 of a child ever.

MR. DONNATELLI: So if you look at ten homes, for example, it would be ten homes would be 1.3 or roughly two children per every ten homes.

MRS. COZZA: And how do you arrive at that calculation?

MR. DONNATELLI: Well, there's no way to guarantee it, naturally we can't restrict.

MRS. COZZA: Exactly my point, exactly, you cannot assess, I'm presuming that these are all two bedroom units, is that correct?

MR. FETHERSTON: That's not correct.

MRS. COZZA: How many are two bedroom?

MR. FETHERSTON: The exact number I can get that number.

MR. DONNATELLI: There are probably 30 some odd homes that have three bedroom.

MRS. COZZA: Okay, so--

MR. DONNATELLI: If I can just finish my answer, ma'am, because I think I was halfway through it, just as you could say that more than .13 children will be in each home it is true that less than 1.3 so you could only base anything we move forward on on our experience, the municipality's experience, I think you find our number is consistent with prior developments I think it's consistent with the Town's.

MRS. COZZA: I'm not about number crunching and pencil pushing, I'm about reality. I live near a village that claims they only have 10,000 residents which it's 17,000 so I'm not into number crunching, I want to deal with real figures.

MR. DONNATELLI: I think we're dealing with real figures.

MRS. COZZA: But if you're talking two and three bedroom units, what are they going to do, turn this all into guest rooms?

MR. FETHERSTON: There are 155 three bedroom and 176 two bedroom units proposed.

MR. DONNATELLI: A third bedroom is an option and we believe that a certain percent will be elected, although Andrew told you the number that would be the worst case, that would be the maximum, but chances are it's only going to be roughly 20 or 30 percent of our buyers will elect a third bedroom. So all that we can be sure of nothing in the future, we cannot predict the future, we have experts and we do, we have a lot of experience on estimating what the number will be and quite frankly, we're pretty accurate.

MRS. COZZA: This is good. What I would like to also know is that how did you arrive with the calculation of 50 children being generated by 311 units as reported in the Times Herald report?

MR. FETHERSTON: Our numbers are calculated by the Census Bureau for townhomes in the northeast and number of bedrooms, we also ran that by Cavananian, by their extensive experience in building these.

MRS. COZZA: I'm going to to say for the sake of argument that if we can buy the .13 and we multiply that out, I come up with over 100 children and I would

stand to think using that good old fashioned thing called common sense that we're going to be seeing a heck of a lot more than 100 children, probably 2 to 400 children based on the size and space being afforded to these people in these homes. I would like to know if this project is approved and receives planning board approval is there going to be some kick to the Washingtonville Central School District to help them handle this influx of students?

MR. SCHLESINGER: Just interject one other thing.

MRS. COZZA: This is an area that's really a major problem.

MR. SCHLESINGER: I just want to give you a little plus and minus of the situation, prior to this development or this proposed development, there was military housing, is that correct, and that was occupied by how many people?

MR. PETRO: Three hundred and fifty units.

MR. SCHLESINGER: How many children were there?

MR. PETRO: An undisclosed amount.

MR. SCHLESINGER: But there were just like you're saying in reality there were 350 families living there, there were X amount of children living there, those children are no longer part of the Washingtonville School District anymore, so regardless of what figure we give you, there's a plus and a minus involved.

MRS. COZZA: But we're talking about a military base.

MR. SCHLESINGER: It's a human being and goes to school.

MRS. COZZA: I understand that but the reality of it is

that they weren't there very long so--

MR. SCHLESINGER: That's not, I don't agree with that because military and I live right near there, I'm in the Washingtonville School District and my children grew up with many children that were military families and some would come and as soon as they leave, more would come in. So I'm not giving you a figure and I'm not saying there's 50 and there's going to be 100 more but it needs to be taken into consideration in your evaluation and as matter of reality that there may be pluses but there are also minuses.

MR. PETRO: Let me go a step further. Mr. Bette, did you or your brother I was told had gone to the Washingtonville School District and gone over this application with them?

MR. BETTE: Yes.

MR. PETRO: Tell us what they said.

MR. BETTE: Correction there, Mr. Chairman, we met with the Washingtonville School District.

MRS. COZZA: When?

MR. BETTE: In 2001 right when we took over the property right when we were going through the environmental impact statement.

MRS. COZZA: Four years ago before our budget got passed, before we found out that we're ten million shy on a new school building and before we had children that can't carry backpacks in the hall cause there's no room. I think that's an outdated conversation, wouldn't you?

MR. BETTE: I didn't get to finish.



MRS. COZZA: But 2001 we have a new superintendent.

MR. PETRO: Let him finish, please.

MRS. COZZA: Does he have current statistics? This is very critical.

MR. PETRO: We're going to find out, you don't give him a chance to talk.

MR. BETTE: When we met with the Washingtonville School District four years ago while we prepared our environmental impact statement we met with Dr. Schwartz, the chairman of the school board, and went in front of the board for a meeting, we told him exactly what we're going to be doing as our master plan in their school district, our commercial development as well our housing development. There was no concern about our housing project, there was 400 students, Washingtonville School District lost 400 students when the military vacated this base on top of that they lost the money that the government paid them for those 400 students.

MRS. COZZA: They're still overcrowded.

MR. ARGENIO: This cannot be reduced to a debate. We didn't interrupt you.

MR. PETRO: We didn't interrupt you.

MR. BETTE: I'm purely saying we're anticipating 50 some odd students for this development in what was 400 students, they had no problem at the time they were concerned about that but they understood the type of facility that we were proposing and they said fine.

MRS. COZZA: But Donnatelli himself said that you can't stop people with children from moving in there, so there's too much, I'm just not comfortable with this

and I want to submit that respectfully to the board for the record. Thank you.

MR. ALVA: John Alva, I live on 386 Mt. Airy Road in New Windsor. I have a couple questions, one, the school kid thing just kind of curious is there 1.3 per unit?

MR. DONNATELLI: Point one three per home.

MR. ALVA: Is that school or any kids?

MR. DONNATELLI: It's children.

MR. ALVA: So not all of them will be attending, all right, really wasn't my question, just curious. Who is the traffic guy? Why don't you stand up? Cause I've got a lot of notes. All right, right now, I feel 207, this is a personal thing, I feel 207 is very busy. So I called the airport wondering what they said, they said they thought it was pretty busy too, they didn't really have any studies, they gave me a number for the New York State Department of Transportation, they thought it was pretty busy too, by the way, but that's not really where I'm getting to. How long is the project going to take before you have a lot of people in there living there because they came up with solutions but they don't come for another two years and what I'm, what I'm wondering are these people going to be in there this year because then I have an issue with that, if not, they said they can handle an extra.

MR. RACHED: I can tell you one thing, I don't believe they'll be in one thing but I think Mr. Donnatelli would give you better information as far as when they are, they anticipate to have full occupancy.

MR. ALVA: That's kind of if you were approved today, takes an average for the, I've got notes, sorry, I read it wrong, how long will it take on average for a

project of this size to be built and sold in today's market, average, whether average amount of workers, what's your average to put this in place?

MR. DONNATELLI: Roughly 2 1/2 to 3 years.

MR. ALVA: That's all right then they said they're breaking ground by October, then they said that they can use this, the airport access going out to Drury Lane.

MR. SCHLESINGER: Did you call the DOT? Did you speak to DOT?

MR. ALVA: Yes.

MR. SCHLESINGER: And they gave you that information?

MR. ALVA: Thirty-six thousand cars a day.

MR. SCHLESINGER: They gave you information that they are going to start?

MR. ALVA: They said any day but I just didn't want it happening and all of a sudden it going up now and all of a sudden, that was my problem. Within two years they said two working seasons which would be next summer and the summer after they would handle 36,000 cars more a day. My issue was now and how long would it take because that's what I wanted to know, all right, thank you.

MR. COOK: My name is Fred Cook, my address is 2728 Route 94, Washingtonville and I am the president of the Washingtonville School Board. And I don't really have a lot of questions, I just want to make a couple statements. First of all, just want to tell you a little bit about our district and basically we have five schools in our district at this time. We're experiencing gross overcrowding at our high school

level and at our middle school level, grossly, we're in the process of trying to build new schools but we have, we do not have those in. If you look at our primary school levels, we're not quite as overcrowded but we do have some problems there, in fact, we do have problems where we've had, we have temporary buildings on our elementary schools and these temporary buildings were put in over 30 years ago. So, I mean, we do have temporary buildings and so the point is, the point I'm really trying to get to and I will kind of answer your question a little bit but the point I'm trying to get to is with our overcrowding problems as they are today whatever developments that we have there this will impact, we have an impact and but we're a public school system and we're not going to kick out any students. In terms of your point of military, yes, that is true, we did lose a lot, but we have also had a lot of people moving into the district and so that has grossly exacerbated the problem if you will. And in terms of the three years ago or four years ago when you visited really I think you kind of misstated or I believe you misstated your point and that is yes, you did identify that you wanted to put those houses in at that time we said the same thing that we're saying now, there's a major impact, it's going to impact us but we're not in the process of turning, we're a public school, we don't say you can't take these kids in but the bottom line that you have to hear it, there's overcrowding and we do have impacts.

MR. ARGENIO: Sir, can I ask you a question? Did I interrupt you? I want to let you finish. How many kids are in the district?

MR. FETHERSTON: About 5,200.

MR. ARGENIO: My kids are there too. When are you going to build new schools?

MR. COOK: If these fellas are going the give us nine

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44

million dollars.

MR. ARGENIO: My question is actually self-serving.

MR. COOK: We're in the process of trying to build a school right now.

MR. ARGENIO: Two years, five years, 18 months?

MR. COOK: Right now we do not, we're trying to do it as fast as we can, okay, and we do have some problems and we have to work through those problems. So the intent was that we would be into a new school by school year 2006, 2007 but I don't know.

MR. SCHLESINGER: Would that new school be a high school, middle school?

MR. ARGENIO: Seventh and eighth.

MR. COOK: New school would be intended to alleviate some of the problems in the middle school.

MR. SCHLESINGER: Now, does, correct me if I'm wrong, does the middle school problem then overflow into the high school problem?

MR. COOK: We have as part of our building plan we will be, the plan is to add some additions onto the high school, so the problem, the point, but the point you still have to hear is that we're busting at the seams, we don't have a new school and there are impacts.

MR. SCHLESINGER: Would you say the greatest percent of increase in the enrollment whether it's coming from new development or whether it's coming from the increase birth rate or whatever it may be is the greatest percentage of the impact in the lower grades?

MR. COOK: Right now what we're seeing is mainly in the

middle school, high school.

MR. SCHLESINGER: Middle school, high school, which is a result, which is a result of some time ago an increase in the lower grades, in other words, it had to start somewhere.

MR. COOK: Well, yes, but they could have started someplace else and they moved to our district.

MR. SCHLESINGER: My question is is that whether this is, whether the increase in the enrollment is due to new construction or whether it is due to a birth rate or I wanted to know where the greatest impact was at this time and I think you said in the middle school.

MR. COOK: Right now, well, the biggest impact is at both of them, we're busting in the seams and in both the middle school the high school I think if you look at our middle school facility that's where the biggest impact is but we're right across the board.

MR. SCHLESINGER: And relative to this discussion, can you give me a figure on the average student in each class?

MR. COOK: Oh, God.

MR. SCHLESINGER: Tough question.

MR. COOK: No because it changes with years and at those levels it really talks about the subjects because if you're at the high school, middle school level and your core courses there may be really a big problem wherein if it's not a core class, it may be less.

MR. ARGENIO: Can I tell you something that might be totally irrelevant, there's 24 kids in my son's class.

MR. COOK: What grade is that?

MR. ARGENIO: Oh my goodness, my son is in fourth grade.

MR. COOK: Okay.

MR. SCHLESINGER: Thank you.

MR. MARTINSON: I want to thank Mr. Cook for coming for the school district, Russ Martinson, Wagner Drive, Rock Tavern. The main reason that the school district now knows that this project is at this stage is not because anybody here contacted him, they heard from other people who knew about it and then went to the school district and said look, this is going on, school district needs to come in and see what's going on and maybe make a statement here. Okay, I also want to follow up on one point that Mr. Cook made and that is that the grade schools are not overcrowded as badly because they have these temporary units, these temporary units are 30 years old, 30 years old.

MR. SCHLESINGER: When you say temporary units, are those the temporary units that were put in like at Little Britain?

MR. COOK: We have them in all our schools.

MR. SCHLESINGER: I'm using Little Britain as an example because the temporary units put in at Little Britain are not 30 years old.

MR. MARTINSON: I was using the figure, maybe some of them are, some of them aren't.

MR. SCHLESINGER: I know some of them are four and five and six years old and that's a fact. So if you want to use a figure, let's use a real figure. Thirty years old, excuse me, 30 years old to me sounds pretty old but I'd like to have a real figure.

MR. COOK: My statement when I said that is some of them.

MR. SCHLESINGER: I understand what you're saying but Mr. Martinson is putting an emphasis on 30 years old and it's making me feel that they are, probably most of them are 30 years old and that's not accurate.

MR. MARTINSON: Well, the reason I bring up the 30 year old figure is because my daughter was in one of the older units and when you walk on the floors, they're all like this. These units are not going to last much longer and when they go, what are we going to do then. Okay, so these school district, these school buildings, these elementary school buildings, if they weren't for these temporary units and I guess we really don't know how old each one is, we would be in trouble there as well, okay. Since we're on the school district, they had said that the school district at our last meeting approved of the project. They really didn't approve of it because when you think about what the statement comes from the school district a statement from the school district says we will not turn your children away, we will not turn your children away, that's what they're saying. They're not saying we approve, bring 'em in, they're saying we won't turn them away and now here comes some more, okay. The new school building going up is supposedly going up approved by the voters, in today's newspaper 9.5 million dollars more than the budget was approved for for this building, how much money is the Town making on this? Gee, maybe some of it should go to the school district. Should the Town go in or should these condos go in or money from elsewhere from the developers because this school district needs it, it's a poor school district, they don't have corporations helping fund them, it's all residences. My taxes have gone up a thousand dollars a year for the school taxes every year for the past three or four years every single year.



MR. PETRO: Geez, mine didn't.

MR. ARGENIO: Mine went up, I happen to be in Washingtonville though.

MR. MARTINSON: My neighbors' have too. My neighbors stopped me in the street and asked me how far did mine go up and then they cry about it. And I'm like yeah, me too. Salvaging the two million dollar seventh and eighth grade school building would mean numerous cuts including eliminating an auditorium and converting Science, Art and Home Economics classes into all purpose ones. What can we do to guarantee we can continue our educational program? That was a question asked by the school board. What can we do? I was at one of these meetings, we just approved a nice big development up on Station Road, they're going to Washingtonville School District too, aren't they? So there's more and these are nice big houses, these are not little condos, so I wonder what the estimate per child was there?

MR. PETRO: Let me answer you there for a second cause you're saying what can we do. You're building 311 condos, they're here, they're going to produce X number of children, you're leaving out another important aspect of this entire development, which is the 30 commercial buildings that are also being built in the Washingtonville School District, you're not saying anything about that.

MR. MARTINSON: I'm going to get to that part.

MR. PETRO: Let me finish. I think LSI Lighting is there. I know they pay over six figures a year to the Washingtonville School District, zero children, you have medical buildings, six figures a year, zero children. There's going to be 28 other buildings so somehow I think that it's going to benefit the

Washingtonville School District at some point where the revenue from the commercial buildings will certainly help. And I understand that you're frustrated with school taxes because but let me tell you something, you're no more frustrated than I am and nobody in this room is than me, but I think that they're at least doing something to offset some of the taxes and burden in the Washingtonville School District with the commercial buildings.

MR. MARTINSON: Okay.

MR. PETRO: He's talking now.

MR. MARTINSON: Empire Development zone, is any of this being done within an Empire Development zone? Any of the commercial building that's going on?

MR. BETTE: Yes, it is in an Empire State Development group.

MR. MARTINSON: I don't know a lot about it but I know there's all kinds of tax breaks and I was told by the gentleman at Orange County who handles this project oh, no, those commercial buildings in the Empire zone don't pay school taxes. Well, actually, he said they pay them but they get reimbursed. So in reference to the school taxes coming from this commercial development, I don't know when sometime it's going to be okay according to the gentleman at Orange County that I spoke with, they don't pay school taxes.

MR. PETRO: You paying school taxes in the LSI building?

MR. BETTE: Yes.

MR. PETRO: Get reimbursed for them?

MR. BETTE: We get reimbursed a percentage, yes.

MR. PETRO: What's that?

MR. BETTE: We get tax credit, it's a declining based on the year.

MR. PETRO: Talking about the 485 B exemption or is it the Empire zone exemption?

MR. BETTE: 685 B is available through the school district, there's another one that's not available through the school district which is 485 E, so he's associated with the Empire.

MR. PETRO: Is that the one he's talking about? So you are getting credit but it does run out?

MR. BETTE: Yes.

MR. PETRO: Ten years.

MR. BETTE: Ten year program declining scale.

MR. MARTINSON: I wasn't sure, all I know is that this gentleman--

MR. PETRO: School district's getting the money, is getting reimbursed but the school district's receiving the money, 485 B is what I know about.

MR. ARGENIO: What was the person's name at the County of Orange?

MR. MARTINSON: I don't have his name with me but if you call the main number and just start asking, you know, or where did I call first? No, I called--

MR. ARGENIO: If you had his name and number--

MR. MARTINSON: No, I don't have it with me.

MR. PETRO: Finish up with your--there's other people raising their hands.

MR. MARTINSON: And they went on to talk about how there's cuts and an impact on the educational program.

MR. ARGENIO: Who's they?

MR. MARTINSON: This is the school district.

MR. ARGENIO: The article in the paper?

MR. MARTINSON: Yes, article in the paper, all right, since the late 1990's, the school district has tried to deal with student overcrowding and aging buildings, so this is not a new problem but rather one that's been around for quite a while. They got the cost overruns, the school district has to eliminate 22 teaching positions last year due to budgetary constraints, so there's another shot, more kids coming in, whether it's building houses on Station Road or condo project and we just had to cut teachers to make the budget work, teaching figures, positions. Okay, this development started with 275 units, now we're up to 311 units, that's a 15 percent increase in the number of units going in, all right. Now I didn't have time to do a statistical analysis on this but it really makes me wonder with that large of an increase where that would fall on a bell shaped curve. My guess is its way on the outside but I'm not sure. I never did one. Traffic was already discussed enough, we beat that up. I kind of had to shake my head a little bit and it's talked about already talking about corporate housing versus apartments versus condos. When I read the statement by the attorney that was left out here last meeting that this was discussed, I had to shake my head a little bit because this is a little trick it seems to me to try to get what we want, okay, and attorneys use this kind of stuff, I was kind of shocked that the

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Town's attorney--

MR. PETRO: Let me stop you here so I can get my, the train of thought out, because the people need to be educated to a point, okay, and not by what's in some of the papers and fliers. I'm going to say it for the last time, everybody's here, there's 275 apartments approved on this site, period. There's no yeses, nos, contracts are done, everything is done, there's 275 apartments, we took it upon ourselves, including myself, to decide that instead of apartments we thought it would be better for the Town of New Windsor not to have apartments because I know what it's like to rent apartments. And if you think an apartment is the same as a condo you're misled. A condo is owned by a person, it's taken care of by a person, not that all apartment people are bad. If I ride your bike, I don't ride it like you do. Do you understand what I'm saying? The apartments are there. So we thought that to have condos would be better in the Town than the apartments. Do you understand? The only way that you can have the condos you can't have a condos unless the land, the Town leases out this land, it's leased out to First Columbia for 99 years, 94 years left on the lease, to own that property would be the only way to have condos, you have to own the property, it's very, very simple mathematics in business. We came up with the plan to sell the 50 acres to First Columbia who then would sell it to a developer at a certain price, then they can build condos instead of the apartments. There's no trickery, there's no lying, there's nothing secret about it. That's exactly what it is, it's 275 apartments and that's what it is, that's what it calls for in the EIS, it was adopted in August 27 of 2003 before a packed house here, there's nothing hidden about it, people have read it, I can see people here who have read it and talked to me about it and there was no problem with it at that time, 275 apartments, I'm going to say it for the tenth time, nobody lied, it was never hidden and I'm not a liar, I'm telling you

the way it is. If you think 275 apartments are better than 300 condos, you need to go to school and anybody else that thinks that.

MR. MARTINSON: First of all, I never called anyone a liar.

MR. PETRO: I'm not saying you did.

MR. MARTINSON: All right, but what I did say was that going from corporate houses to apartments to condos, all right--

MR. PETRO: Corporate housing is just a terminology you're trying to elaborate on something frankly I think we're passed that.

MR. MARTINSON: Well, I'll stop that part of the conversation then by saying that it just keeps coming up over and over again, a lot of people didn't realize it.

MR. PETRO: I wonder why, gee, but now that's the truth.

MR. ARGENIO: What's your next point?

MR. MARTINSON: All right.

MR. ARGENIO: Cause there are other people with their hands up that do want to speak and they deserve an opportunity as much as you deserve an opportunity.

MR. MARTINSON: Gentleman from Cavnanian last meeting mentioned building houses everybody knows that reduces crime. So I did a lot of research on the internet on crime, everybody stays so far away from that because I wanted to disprove him, I can't disprove that fact but you can't prove it either, building houses does not decrease crime, all right, I would read what I did find

but we want to move kind of quickly here. The last thing--

MR. ARGENIO: There's a lot of people that want to comment and their comments are as important as yours.

MR. MARTINSON: That's why I want to move quick.

MR. ARGENIO: Not to minimize you but my goodness.

MR. MARTINSON: All right, somebody on the board was looking for a house in the \$300,000 range and couldn't find one. These condos are in the \$300,000 range so you know the inventory of houses in this Town was rather low and this was going to help give us some more inventory and so I did some research on that too and I found that New Windsor in Orange County has the highest level of \$300,000 homes with the exception of one municipality.

MR. ARGENIO: Highest inventory or level?

MR. MARTINSON: Highest inventory of houses on the market in the, it went from 275,000 to \$300,000.

MR. SCHLESINGER: What's your point on that issue?

MR. MARTINSON: My point on that issue is that when you folks are sitting here saying we need more houses in this price range, we don't, we don't.

MR. PETRO: That's market driven though. Why are we discussing that at the planning board? Go ahead.

MR. KARNAVEZOS: I just want to know because my wife was in real estate and I wanted know why New Windsor became--

MR. MARTINSON: Orange County Association of Realtors.



MR. KARNAVEZOS: They're the highest in Orange County?

MR. MARTINSON: No, Town of Newburgh, then New Windsor and there's a whole package there.

MR. KARNAVEZOS: Because I just want to touch on a point too that we talked about schools and everything, I grew up in this Town and I've gone to Washingtonville Schools. When I graduated in 1974, I could be off on the numbers, but I think it was 97 kids or 103 kids when I graduated and Toleman Road was farmland and just like where you go into Rockland, Rockland was like that 40 years ago and it's going to keep growing, the school, great school system, everybody wants to bring their kids into the school system, but the school system, the people that have moved into this Town don't want to pass the budget, the school budget so the school can move along. We have the same schools that we had, when is the last time we built a school, Mr. Cook, 30 years ago, 40 years ago?

MR. COOK: Yes, 40 years ago.

MR. KARNAVEZOS: Forty years ago. Now, if you take some of the other school districts in the area, Monroe, Central Valley, Pine Bush, you see the growth, they saw the growth, they built the schools. We have very little, like you said, commercial property in New Windsor. So we all eat the burden. These people are coming in, the reason they're building this corporate housing is to get people to come to this area so that people, most of the people in corporate housing do not stay, IBM takes people and moves them into condos, they stay there for a year so people can find a home, once they find a home, they're out of there, that's how IBM does it, that's how Texaco used to do it and that's what they're trying to show by trying to develop this property. That's what it's all about and, you know what, granted it might be 10 or 15 more kids than that but you know what, they're going to generate the money

so we can build more schools and doesn't come out of your pockets and my pocket. I'm sick and tired of paying the school taxes. I pay too but we don't have the commercial property, they're willing to bring it on to us and you guys want to fight 'em. Go ahead, fight 'em. We've been trying to, everybody complains about 207, but everybody's fighting Drury Lane. I'd like to get, I live on Mt. Airy Road across from the airport, at 5 o'clock I'd like to get into Newburgh, doesn't happen. But nobody wants Drury Lane either. So, you know what, somebody's got to give and take here, you know, I understand what you're saying and yes, you do have some good points but, you know what, I'm on the same token here let these people try to present what they're trying to present and stop trying to twist what their words are, let's just get passed this and you are twisting the words because you understand what he's saying to you about corporate housing, you do understand it and, you know, you're not going to have 60, 70 kids in that school district from that housing complex.

MR. MARTINSON: Well, I wouldn't know that, you're saying I know that, I don't know that.

MR. ARGENIO: Sir, do you have something additional and new on maybe possibly a different subject that would be information, more good information that we could use?

MR. MARTINSON: Well, all I can say is that in terms of this whole project it's not I guess if I knew about it earlier when you had approved and everything was all done on the apartments I may not feel as strongly as I do now but now I know.

MR. ARGENIO: You're obviously very passionate about it.

MR. MARTINSON: Well, you know, nobody in Washingtonville School District wants to see this go in

and we don't know how many kids are going to be there, whether it's 20, 30 or 200, okay, and that's going to kill us if we do get caught like that because it is now being turned into a condo complex and not corporate housing and with that--

MR. KARNAVEZOS: How did you come up to that, to that assumption?

MR. MARTINSON: That's what everybody is saying here, these are condos so, all right, I'll sit down, we've got a lot of other people.

MR. PETRO: I don't want you to feel rushed because you were there for 25 minutes.

MR. MARTINSON: I understand.

MR. EBERT: Jerry Ebert. I'm just going to be three minutes. I'm just going to make some points, I'm going to make them in an editorial so I might as well say them face to face. As far as corporate housing goes, there's a big difference in my opinion because a few years ago, if the folks in the room had known you were talking about apartments evolving into condos, there would have been more of an uproar. You said corporate housing and as Tom infers that means IBM, Tom, you weren't here at the last meeting when the gentleman over there from the real estate says one thing one time, another time said that it's going to be marketed all over the place, it's going to be marketed in Rockland, going to be marketed in New Jersey, it's going to be marketed to people who think that a three bedroom for \$300,000 bucks is a good deal. Wait a minute, you know, another point, wait, no, this is, you know, I'm getting upset about the fact that you guys are acting like a sales force for the, for these people and I don't want to be interrupted, you wait until I'm done and you talk, everybody that's gotten up here has been interrupted by you guys as if you're a sales force

for the corporation.

MR. SCHLESINGER: We haven't interrupted anybody, you can finish what you have to say.

MR. ARGENIO: You're the first one to raise your voice, Mr. Ebert.

MR. EBERT: The thing of one kid per ten condos to me is ridiculous because if you're tracking down from New Jersey and you're tracking from Rockland County, it's not going to be one kid for every ten apartments. The third thing I want to say everybody keeps saying well, condos are better than apartments because apartments are rented, condos are owned. But that's a, myself I lived in a condo project over in Fishkill that was owned by another person and I rented it from him. A lot of times corporations buy up condos and then they rent them out. I lived in one in Fishkill and I know that they exist all over the place, so let's get over that thing. The final big point is that let the people talk, if someone is going to defend the project, let the corporation defend the project, don't you guys. I've gone to public hearings for 25 years now and I've never seen a board act as a sales force for the corporation before tonight. I just wish you'd back off and let them defend it rather than you.

MR. PETRO: Anybody can talk, I let anybody talk for any amount of time they want to talk. You've got three minutes then you don't talk.

MR. ARGENIO: That's what the Town of Newburgh does and may I say one thing please, Mr. Ebert, I want to just say this, I'm very disappointed and I want to tell you why.

MR. EBERT: So am I.

MR. SCHLESINGER: Don't interrupt him.

MR. ARGENIO: Let me finish, please, every meeting that you have come to in front of this board you have always been very courteous, you've never interrupted anybody and you never exploded like you just did a few minutes ago and for that, I'm a little disappointed.

MR. EBERT: I'm sorry but it's--

MR. ARGENIO: It happens, it's okay but I'm disappointed to see that.

MR. EBERT: I don't apologize for it.

MR. PETRO: Jerry, you feel that we let people talk enough here, yes or no?

MR. EBERT: Sorry?

MR. PETRO: Do I let people talk enough when they come in? How about non-public hearings?

MR. EBERT: I think you do pretty good, Jim.

MR. ARGENIO: What we want to try to do is if somebody has something new to offer on a different subject, not a different subject, on a different subject relative to this issue but by all means we want to hear it but everybody in the public, the essence of a public hearing is they need to comment and they should be allowed to comment.

MR. EBERT: I just want to say my main point, I have been to public hearings at planning boards all over the place since I got out of high school and I've never heard condos or apartments referred to as corporate houses and I know that what the intent was when they made the plan was what Tom said corporations would come in, IBM was going to come in, that's not what this is about and Jimmy, one thing you said to me a while ago

you said people make these plans but they don't think what's the thing going to look like in 10 or 15 years, that's what terrifies me about this thing.

MR. PETRO: I think apartments would be worse.

MR. EBERT: I think this is apartments.

MR. PETRO: No, upscale condos.

MR. EBERT: It's going to devolve into apartments. Thank you.

MR. PETRO: Any different subject, one that we haven't gone over? Before I get to you just on a different thing, please, this annual mobile home park, did somebody come in for this? Forget it. Okay.

MR. STEIDLE: Bill Steidle. I appreciate the opportunity to speak tonight. My name is Bill Steidle, I reside at 575 Jackson Avenue. I'm not here to argue or anything like that. I do however feel it's imperative that I express my comments. Normally, I look at files, I evaluate plans and detail, I meet with Myra and I FOIL the files, I didn't do that in this instance. Essentially, I did three things, one, I looked at the First Columbia web site because I wanted to see specifically where the condominium site or the townhouse site or the corporate housing site is in relation to the main runway at Stewart Airport, the east-west runway and I did that, I took a ride very briefly into the site and just to become accustomed to it as far as I could go and then three, I went to the Town Clerk and purchased the zoning regulations for the AP and AP1 zones. And heretofore, it was, that had always been my understanding that the airport properties were the AP zone I was not aware of the AP1 zone. Now the AP zone permits industrial uses, actually a multitude of uses including office, manufacturing and industrial and that's the bulk of the

airport, 98 percent of the airport is industrial AP zone. Now, the AP1 zone also allows a host of different uses, however, it includes multiple residences at a rate of one unit per 7,000 square feet. Now, my slant on this thing and I recognize that I should have been here in the environmental impact stage and whatnot but my slant is here you have a residential development in the middle of essentially the largest industrial complex in southeastern New York State, you have a residential development on the First Columbia site which is essentially office retail and hotel, and I have to tell you that I was somewhat incredulous to see that the zoning allows in the AP1 zone buildings up to 90 feet in height, so you could have a nine or ten story building on the AP1 zone. So essentially you have again residential surrounded by industrial surrounded by potentially buildings, parking garages up to 90 feet high and it doesn't seem prudent to me, I can't help to tell you it doesn't seem prudent to me. I go back a ways as you know and it seems like yesterday but I came back from the armed forces in the early 1970's and I saw house after house is being bulldozed on the airport property and you saw it too, it was basically people were pushed out the back door, bulldozers pushed houses down, it was in my mind government run amuck. However, the only reason those houses were taken was because the government believed that residential was in conflict with airport uses and that remains today, I mean, it remains today that residential doesn't belong next to the--

MR. ARGENIO: What's your source for that information?

MR. STEIDLE: This is totally my belief, my opinion, nothing else, nothing more. But residential, you know, if I were to come to you and say I want to put residential in the middle of an industrial park in the middle of say Kodak Park, you'd say that's, Bill, that's a bad idea, it's not, the two uses are not compatible. I say to you this use of residential is

not compatible with the airport use and the only thing I would say is maybe it's time that New Windsor re-evaluates its zoning, looks again at its master plan but in my mind, I just cannot reconcile this use on the airport property. Thank you.

MR. ALVA: John Alva again, still live at 386 Mt. Airy Road. The apartments are approved?

MR. PETRO: The apartments are approved in the master plan, they have to go to planning board same as this would, the use is apartments.

MR. ALVA: Now, if they do it this way, they're going to buy it from us when they say us, all of us?

MR. PETRO: To have condos, you have to purchase the property, you can't sell a condo on leased land.

MR. ALVA: Are they paying rent now?

MR. PETRO: Yes. It's part of the 220 acres that's being leased to First Columbia, there's rents being paid on the lands as we speak.

MR. ALVA: That's what I just wondered.

MS. NEWLANDER: Diane Newlander, Lannis Avenue in New Windsor. I just want to make a short statement. My feeling about this proposed condo project is on this land that it's been under false premises from the start and duplicity, those false premises include the projected number of students, those comparisons to the condos like Washington Green, that's apples and oranges, the traffic study is old, every study we're hearing about here is old, it's outdated, meeting with the school, it's outdated and that shouldn't go forward at all until the true impact of the quality of life on the residents of New Windsor is looked at objectively. I think we need a new master plan and we need some new



studies done. Thank you.

MR. KEAN: My name is Peter Kean, K-E-A-N, Station Road in Rock Tavern. I've got a couple questions perhaps for you because I really don't understand a few things. What specifically is corporate housing?

MR. PETRO: Gentlemen? Mr. Bette?

MR. BETTE: Mr. Kean, corporate housing is a term that we use as part of our--

MR. KEAN: May I ask who we is?

MR. BETTE: I'm Chris Bette with First Columbia Developers of International Plaza.

MR. KEAN: Exclusive to First Columbia?

MR. BETTE: A term we use to determine straight housing on our development as part of our corporate business park.

MR. KEAN: So if I can repeat back to you what I think you said what is corporate housing in your use is housing that's used as housing of any kind that's used in conjunction with your developers.

MR. BETTE: Mr. Kean, I said we're developing a corporate park, as part of our corporate park, we have a residential component which we called corporate housing.

MR. KEAN: Thank you.

MR. PETRO: No good, Jerry?

MR. EBERT: No good.

MR. KEAN: You spoke earlier, Mr. Petro, that saying

that the First Columbia has the absolute right to build specific number of apartments, is that correct?

MR. PETRO: That's correct.

MR. KEAN: And the number of apartments is how many?

MR. PETRO: Two hundred and seventy-five.

MR. KEAN: Number of condos?

MR. PETRO: Three hundred and eleven.

MR. KEAN: So it's an increase?

MR. PETRO: That's correct.

MR. KEAN: In the number of dwelling units, that's interesting to me as you can imagine. If they were to build the apartments, would the Town stand to gain the purposed \$5,000,000?

MR. PETRO: No, sir.

MR. KEAN: So the planning board certainly has a vested interest on behalf of the Town to move this project along.

MR. PETRO: Not necessarily, you have to understand I'm not getting the five million, I know some people think I am.

MR. KEAN: I know you're not nor would I suggest that anybody would profit.

MR. PETRO: Frankly, I don't need it either.

MR. KEAN: But it's certainly in the welfare of the Town so may I ask you if I with some other developers who had a lot of money were to approach--

MR. PETRO: First of all, let me tell you it's not \$5,000,000, it's \$12,000,000, the numbers have been changed to benefit people, it's \$12,000,000, \$6,000,000 in cash from the sale and \$6,000,000 into the infrastructure of Town owned property, it's \$12,000,000, not five. Continue.

MR. KEAN: Well, is it not true that when developers come in and put up complexes they build infrastructure for the Town?

MR. PETRO: No, your mission, the point they're going to do that for themselves on their own 50 acres, the other \$6,000,000 has to be spent on Town owned property, in other words, we have the leasehold agreement with First Columbia on the balance of 170 acres and it's going to be spent on that property, not the condo property. People don't understand that.

MR. KEAN: Okay.

MR. PETRO: The Town is receiving \$12,000,000.

MR. KEAN: If you were to, a conglomeration of developers were to go and approach the Town with the same terms where we would you pay the Town \$6,000,000 for zoning change and the right to put up apartments and condos, would the planning board be receptive to that?

MR. PETRO: Say that one more time, I was daydreaming.

MR. KEAN: I'd be happy to. With my limited experience with the planning board, you come to the planning board with a set of plans that are based upon an existing zoning to do whatever the plans, the zoning permits you to do, correct, I'm a little frightened that's the word when the Town starts to accept money from developers.

MR. PETRO: Again, I have to explain it again, this is a deal and I use the word deal whatever you want to call it, it's an idea instead of having the apartments that we thought it would be better to have the condos and we were going to move forward just under that premise until it comes to light, obviously, you cannot have condos on leased property. So to get around that, we have decided to sell the property, it's only 20 percent of the property that the Town received through special legislation through Sue Kelly, Mr. Meyers, Mr. Crotty for \$1.00, we have a balance of 170 acres plus 40 acres that we kept, if anybody can think that that's a bad deal, I've never turned \$1.00 into \$12,000,000 keeping 80 percent of what we received, 94 years left on the lease which comes to about \$70,000,000 for the Town and our children and grandchildren. If you can find fault in that deal, then I have to apologize to you.

MR. KEAN: Well, it might interest you to learn I have spent many years associated with the Corporation of Tenants, each time a Federal asset is turned over to a Town anyplace in the United States it's always for a dollar so the fact that--

MR. PETRO: Yeah but there's one difference, I'm not arguing your point, you're right, we did it, other people didn't, we did it, there's a big difference. A lot of people say I can do this, I can do that, the difference between those people is one does and one just talks about it. Mr. Crotty, Mr. Meyers, Sue Kelly did it along with the work of the Town Board and they are all on board, everyone, and it's a credit to every single one of them, they did it.

MR. KEAN: Tremendous capital costs all over the country that they transfer for a dollar, so there's nothing unique here.

MR. PETRO: You're missing the point, Mr. Kean, we did

do it, it's really besides the point.

MR. ARGENIO: That's what I was going to say, it's okay that you want to minimize it, my point is that that's not what this public hearing is for is to get--

MR. KEAN: I personally would be more comfortable with the Town retaining or not selling the property whatever the deal was there and not getting the money and putting up apartments because I think once the Town starts getting involved with the deals with developers where we'll approve this in exchange for this much money which it appears what it sounds like it scares the hell out of me.

MR. PETRO: You feel that the apartments are a better deal for the Town to have 207 and not sell the property?

MR. KEAN: I didn't know that the Town is supposed to be a money making entity, I thought the township is supposed to be able to provide a safe and secure place for developers and people to live and develop houses in and businesses and so on and so forth, not to be a business.

MR. PETRO: Maybe you're right, I can't argue.

MR. SCHLESINGER: There's something that's disturbing me a little bit. Are you saying that the zoning was changed because of what Mr. Bette's input was going to be?

MR. KEAN: The zoning, I have been in the Town since 1964, Stewart Airforce Base was all zoned Air Force.

MR. SCHLESINGER: I'm talking about now--

MR. KEAN: I understand that. After the title transfer of the property, the zoning it became the right for the

Town to zone the property and they zoned it airport uses. Now I think it was Bill Steidle spoke earlier about what happened with the MTA when they condemned all the property, New York State condemned all the property for the Stewart expansion, they were going to have two runways in addition out in what is now parkland and the powers that be said no housing, they do not mix. Somewhere in the last five or six or ten years maybe it went from airport usage to total property, even the 200 and some odd acres across the street, I'm sorry, across 207 there was a zoning change where a chunk of that was zoned differently and I believe I'm correct.

MR. SCHLESINGER: I think that's a little irrelevant to what we're talking about, it's not relevant, I just want to make everybody know that we don't make the zoning, this board doesn't make the zoning, we just enforce the zoning.

MR. KEAN: I understand that.

MR. SCHLESINGER: I want to let you know whatever is being presented to us this evening and all through the stages from the beginning to where we are right now has always been within the zoning guidelines.

MR. ARGENIO: Mr. Kean, he's been in front of this board plenty of times.

MR. KEAN: I just don't think this Town should be a business, the Town should be a Town, make sure their business functions with the Town but the purpose of the Town is not to make money.

MR. PETRO: Thank you. Anybody else?

MR. GREEN: George Green, 2 Barclay Road, I just had a conversation with the Bettes, I would ask that the board please tonight do not close the public hearing

and please do not make a final decision on this project and continue it. Thank you.

MR. EBERT: Just a quick question. The six million and six million, is that based on the sales of the condos?

MR. PETRO: Yes, it's very similar, I'm, there's no secret to it, it's \$58,000 per unit, it's approximately six units per acre, which is the zone, 311 units times 58,000, whatever that number is, 1/3 the Bettles retain to develop the infrastructure over the property and the other 2/3 is as I said 1/3 cash to the Town, 1/3 in infrastructure on Town owned property, not on the condo property and 1/3 to First Columbia.

MR. EBERT: So I'm not quite clear, does that mean that our 2/3 depends on how much the total sale of the condos are?

MR. PETRO: Yes, if it was 310 units, you'd lose \$358,000.

MR. SCHLESINGER: The sale of the units themselves, it's not based upon what the income is on what the Bettles receive or First Columbia receives on the sale of the condos, it's based upon the amount of units?

MR. PETRO: Number of units, nothing to do on the sale. If it's \$5.00 a building they sell for our money we don't care, it's not our problem.

MR. KEAN: The only other question I just thought of is that you quote a total of \$12,000,000, \$6,000,000 for the housing and \$6,000,000 for the infrastructure and improvements, am I correct?

MR. PETRO: Say that again.

MR. KEAN: It's \$6,000,000 for the sale of the houses, \$6,000,000 goes into the infrastructure of the property

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that the Town of New Windsor owns?

MR. PETRO: No.

MR. KEAN: Okay, is it not true that if First Columbia is that the right folks want to develop that property at all they have to do the infrastructure improvements regardless?

MR. PETRO: Not on our property, no. In other words, if they were going to do it, they're going to do it on their property but they're doing that, they were not touching the infrastructure on their property, I don't think you understand the concept of what I'm saying.

MR. KEAN: Perhaps.

MR. PETRO: The property that you're looking at for the condos that infrastructure and whatever work is done on that is out of their dollar, we're not doing anything with that, that's their \$6,000,000.

MR. KEAN: On the land they lease?

MR. PETRO: Land they lease, they have to put the money back in the six million in improvements on infrastructure on leased land that the Town of New Windsor owns so--

MR. KEAN: And I absolutely would confer with that because otherwise they lease the property with the intention of developing it and making some profit.

MR. PETRO: No, we're not doing that.

MR. KEAN: No, no, no, First Columbia did so in order to do that they have to improve the property, they have to put the infrastructure in.

MR. PETRO: Right, well, they're getting \$6,000,000.



MR. KEAN: They would do that regardless.

MR. PETRO: Not necessarily, it could be at a certain point where you don't have to upgrade it, if we can upgrade and make it better, we can take an 18 inch main and make it a 24 inch and do it in the future for everybody there's a pumping station maybe a 30 inch line at the sewer plant, our infrastructure, things that they're going to do with the \$6,000,000 that would benefit the Town no matter what. You follow me? So it's not that they have to, that money is going to go to things that we deem needy and on the rest of the property that the Town owns.

MR. KEAN: Is there a time line for the investment of that six million? Is there a time line for the investment? Are they investing the six million over 95 or 98 years?

MR. PETRO: No, no, we're looking at the entire project is on a 20 year timeframe, that's the entire project so it would have to be completed within that time and already six years is gone.

MR. KEAN: Thank you.

MR. PETRO: Any different subject?

MR. WILLIAMS: Kirk Williams, 394 Riley Road. Also for some reason they picked me to be a spokesman for the New Windsor Concerned Citizens, New Windsor Concerned Citizens have done their homework on this project, they did a FOIL request, I have copies of that FOIL request I'd like to distribute to the board.

MR. PETRO: You can tell us what it says.

MR. WILLIAMS: I'd like to illustrate to you that something is significant in this FOIL request, your

attorney, Mr. Crotty, pointed out the necessity for a permissive referendum so that the entire transaction will be on the table for all to see and I'd like to alert you to that if you do vote on this tonight positively you may be doing something that could possibly expose the Town to litigation. As a tax payer and concerned citizen, we don't want to see that.

MR. PETRO: There was a, the time was posted, it passed and no one called for one, otherwise, we would have had it, same as we had it for the sports complex, it was posted. Very simple, you have the Town Clerk right here, she can tell you if it was posted or not. No one made an application to have a permissive referendum, no one called for it. Mr. Ebert knows that he can.

MR. EBERT: Wrote an editorial.

MR. PETRO: Nobody was trying to hide anything. Mr. Crotty did advise that it is necessary and we went from there. I also will tell you that the board is not taking any action tonight.

MR. WILLIAMS: We'd also like to request that you take no action until the new Town Board is seated. I know it's going to be controversial but hear me out, we have one Town Board now that apparently is in approval of this project, but I think you owe the citizens being the neutral board that you are you owe the citizens an affirmation by a second Town Board that this property, this valuable Town asset should be sold and I think we can afford to wait four to six months until the new board is seated.

MR. ARGENIO: We serve the people of the Town regardless of the race, creed or political party of the Town Board.

MR. PETRO: Let me tell you what, Mr. McArthur said he does not serve the temporary occupants of the white

house, we don't either, this is an independent board and we're going to do our duty right up to December 31st of this year, if it's passed that and it may then you'll be in the driver's seat. That's all I have to say on the subject.

MR. WILLIAMS: Can you do us a favor and hold off for four to six months until the new Town Board is in?

MR. PETRO: I'll say it this way, the board will take it under consideration.

MR. WILLIAMS: Thank you.

MR. PETRO: Thank you. Mr. Green?

MR. GREEN: Just one further comment. If you're not going to take any action tonight then it does not hurt at all, doesn't hurt anybody, neither hurts First Columbia or the Town or the planning board or anybody to close this public hearing. Matter of fact, it becomes advantageous at that point not to close this public hearing.

MR. PETRO: I think what we're going to do is we're going to close the public hearing but as you know and Mr., a lot of people in this room knows that whenever I have a meeting every time someone wants to speak they speak, so whether or not it's a public hearing officially or we have people in the room who want to say something we owe, this board listens and I don't think anybody will deny that.

MR. GREEN: I don't want to get into a debate but if you do close the public hearing it closes off the public comment period and then there's only one recourse to anything that may or may not need further mitigation. If you leave this public hearing open, other problems may be resolved.

MR. PETRO: What type of problems?

MR. GREEN: There may be problems with the EIS, may be problems with the contract, who knows, but it leaves that opportunity open, it doesn't cut off that opportunity and it makes no difference if you're not making a decision tonight, if you're not taking any final action, if you don't close the public hearing, you leave the door open for further comment, possibly there might be something down the road where, you know, something that maybe was said can be mitigated, maybe the mitigation that the board said was sufficient isn't and a resolution can be found to it. My opinion is best solution tonight is please do not close this public hearing.

MRS. RUFFINO: Joan Ruffino, 315 Burrows Lane. I thought we had a water moratorium? What happened to that?

MR. PETRO: It's in place and the way the water moratorium works is an extension of the main that the Town owns, you're bringing in that extension, you can't do it.

MRS. RUFFINO: You can't build these.

MR. PETRO: It does not include private water mains, in other words, if you want to take the money out of your pocket and build your own water main off our the Town's main, then you can do that. That's what this is. This is a private water main off the main water line in the Town of New Windsor, they're going to own the water main, we don't own it so in legal terms it becomes a lateral.

MRS. RUFFINO: So, in other words, they could start building, they don't have to worry about the water anymore?

MR. PETRO: It does not affect this project, there are, in the same way it doesn't affect any commercial project or any single family home because they're only putting in what they call a lateral.

MRS. RUFFINO: Okay, that's what I wanted to know.

MR. PETRO: Anything I didn't touch upon? No soil burners, Fran?

MRS. SHAPIRO: As long as you brought it up, Jim, you guys sat here, Fran Shapiro, I have lived in New Windsor 36 years, Jim, I'm so glad you brought it up because I debated but it's good that you did and I will tell you why, ten years ago many of you might not have lived here but the Planning Board of New Windsor did give permits to two soil burners, the only two in New York State. We halted one and Jim you reversed it from a negative to a positive declaration, that was a good thing. Ten years later, we still don't know what's coming out of that stack, you were concerned about the lead, you said so, Jerry wrote it up, people are concerned about dioxin, cancer causing chemical, we don't know that it's not coming out of the stack and that's the end of the burner.

MR. PETRO: Let's get to the condos.

MRS. SHAPIRO: The problem I wanted to talk to you about is that this scenario is very similar in that the people didn't really have the time to evaluate how this is going to impact upon all of us, it's time to take time out. So I get this right I will read from my notes, how much further saturated can this community become, Jim, you were concerned about it infrastructure, a good word, what does that mean?

MR. PETRO: It means somebody has to fix the roads, it's not the Town of New Windsor Board or the Planning Board or the Town Board.

MRS. SHAPIRO: But you're going further without addressing infrastructure, very important.

MR. PETRO: I told you a hundred times if you have a son or daughter who wants to build a house, they have every right in the world to drive out onto Mt. Airy Road the same way I did and my father did and my grandfather. Where do you draw the line on who do you say no to?

MRS. SHAPIRO: May I finish, then we can, in light of the information tonight and in light of George's suggestion, I think it was a good one to be taken into advisement, don't rush in, you looked into my eyes ten years ago and said--

MR. PETRO: My wife is here, watch it.

MRS. SHAPIRO: That's all right, she can listen, you said Franny, if I knew about the burner then what I knew now, it never would have happened. I'm telling you learn and do your homework now, we've had so many problems in Town we're so embarrassed all of us and you, Jim, bear lot of this, so let's not do it again.

MR. PETRO: I'm really not embarrassed about anything.

MRS. SHAPIRO: Yes you are.

MR. PETRO: I'm embarrassed?

MRS. SHAPIRO: Let's take time in light of information tonight, evaluate what is in the best interest of this community for your beautiful wife there and your beautiful children and Mr. Schlesinger your beautiful wife and children, so do the right thing. It's never too late, don't rush in, don't buy into this stuff, take your time, breath deep and do the right thing. Thank you.

MR. PETRO: I have a letter from Rose Donegan. I told her that I'd read it dated September 14, 2005, she's in the hospital and she wants to know was the impact statement done. I think we've gone over that, it was adopted in 2003. Was the survey done to determine the habitability of these condos on airport grounds and who will purchase them or will this turn into a white elephant the Town will lose tax money that could be put back to better use, such as taking back Crestview Lake and improving buildings and grounds for all New Windsor residents. Rose Donegan. Any other subject? Okay, motion to, we're going to take a ten minute recess.

(Whereupon, a brief recess was taken.)

Minutes rec'd from PB Secretary end here.